

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MARIA GARCIA,	:	
	:	
Plaintiff,	:	
	:	24 Civ. 2234 (LGS)
-against-	:	
	:	<u>ORDER</u>
RAY’S SMOOTHIES, INC., et al.,	:	
Defendants.	:	
-----X	:	

LORNA G. SCHOFIELD, District Judge:

WHEREAS, the Order, dated March 28, 2024, scheduled the initial pretrial conference for May 15, 2024, and required the parties to file a proposed joint letter and case management plan no later than seven days before the initial pretrial conference;

WHEREAS, Plaintiff filed proof of service on Defendants Ray’s Smoothies Inc. and Antonio Herreros on April 3, 2024, and on Defendant Ana Vergel on April 15, 2024;

WHEREAS, Defendants Ray’s Smoothies Inc. and Antonio Herreros were required to respond to the Complaint by April 24, 2024, and Defendant Ana Vergel was required to respond to the Complaint by May 6, 2024;

WHEREAS, Defendants have not appeared in this case and have not timely responded to the Complaint;

WHEREAS, the parties failed to file the joint letter or proposed case management plan;

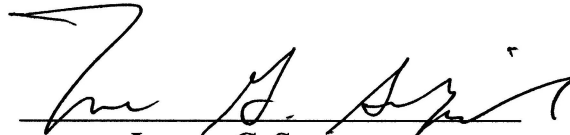
WHEREAS, the Order dated May 10, 2024, adjourned the conference to May 29, 2024, and directed the parties to submit their initial pretrial materials if the parties were in communication, or Plaintiff to file a letter regarding further adjournment and default judgment if the parties were not in communication;

WHEREAS, the parties did not timely submit their initial pretrial materials and Plaintiff did not timely submit the required letter. It is hereby

**ORDERED** that if Plaintiff has been in communication with Defendants, then the parties shall file the joint status letter and proposed case management plan as soon as possible and no later than **May 29, 2024**. If Plaintiff has not been in communication with Defendants, by **May 29, 2024**, Plaintiff shall file a status letter (1) requesting further adjournment of the initial conference for up to 30 days and (2) proposing a date prior to the conference to present an Order to Show Cause for default judgment as to Defendants and related papers as provided in the Court's Individual Rules. It is further

**ORDERED** that the initial pretrial conference scheduled for May 29, 2024, is adjourned **June 5, 2024**. Plaintiff is apprised that continued failure to comply with Court orders will result in dismissal for failure to prosecute.

Dated: May 21, 2024  
New York, New York



**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**